

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

APR 25 2002

IN REPLY REFER TO:
CN-0201271

Ms. Judith Miller
18 16 Sinkler Circle
Southampton, Pennsylvania 18966

Dear Ms. Miller:

Senator Arlen Specter has requested the Federal Communications Commission's assistance to respond to your letter concerning a number of issues related to your cable television service, including the rates charged for cable television service and the programming decisions of the cable television system operator serving your community. I appreciate the opportunity to respond.

A member of the Federal Communications Commission's staff recently contacted Mr. Steve Dennis, a Customer Service Supervisor at Comcast Cable, on your behalf. Mr. Dennis advised the Commission that he would contact you to discuss any questions or concerns you may have regarding your cable television service. If you do not hear from Mr. Dennis in the near future, you may contact him directly at (800) 222-1 813.

The Communications Act of 1934, as amended, as well as the Commission's implementing rules grant cable television operators broad discretion in selecting what programming services they carry. In general, decisions concerning what services to offer, and on which tier to offer these services, are within the discretion of the cable system operator.

While the Commission generally cannot require a cable operator to carry or delete a specific programming service, or to market its programming in a particular manner, cable operators are required to carry certain local television broadcast stations, if they request carriage, and, prior to deleting a service, a cable operator must provide its subscribers thirty days advance notice. Cable operators also are generally required to provide subscribers a separately available basic service tier to which subscription is required for access to any other tier of service or to purchase any other video programming. The basic service tier, at a minimum, must include all domestic television broadcast stations provided to any subscriber (excluding superstations) and any public, educational and governmental channels required by the franchise agreement. The cable operator is free to add other programming channels to the basic service tier.

You also should be aware that, until April 1999, the authority to regulate the charges for cable television service was shared between the Federal Communications Commission and local franchise authorities. The Cable Television Consumer Protection and Competition Act of 1992 authorized local franchising authorities to oversee the rates charged for basic cable service and the equipment used to receive basic service. (Local franchise authorities must be certified with the Commission to exercise this authority.) The Commission was authorized to regulate the rates for cable programming service, which includes all programming not in the basic service tier and not charged for on a per-channel or per-program basis. The rates charged for video programming offered on a per-program or per-channel basis (for example, a premium movie service or a **pay-per-view** sports event) have never been subject to review by the Commission or local franchise authorities.

On March 31, 1999, pursuant to a sunset provision contained in the Telecommunications Act of 1996, the Commission's authority to regulate the rates charged for cable programming services terminated. Thus, any rate increase on the cable programming services tier that takes effect after March 31, 1999 will not be subject to review by the Commission. Local franchising authorities, however, retain their authority to oversee the rates charged for basic cable service and the equipment used to receive basic service in those areas where cable operators are not subject to effective competition. The Commission's role in rate regulation is now generally limited to establishing the framework and rules pursuant to which the rates for basic tier service will be regulated.

You also should be advised that the Commission has adopted standards designed to improve the quality of customer service rendered by cable television operators. The guidelines address cable system office hours, installations, telephone availability, service outages and calls, as well as general billing and refund policies. While these federal standards set the minimum baseline for proper service, it is up to local franchising authorities to adopt and enforce those standards. For your information and review, I have enclosed a Fact Sheet that explains in more detail the customer service standards adopted by the Commission.

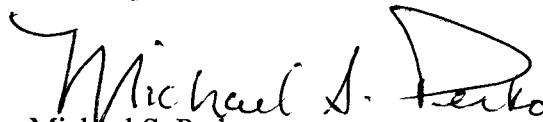
The Commission also has adopted signal quality standards that define a basic quality of service that cable subscribers are entitled to receive. Compliance with the Commission's standards will generally result in a picture that provides enjoyable viewing with barely perceptible impairments. Complaints regarding signal quality initially should be addressed directly to the cable operator. The Commission's rules require cable operators to have a procedure in place to resolve subscriber complaints concerning signal quality. If a cable operator fails to resolve a signal quality complaint, subscribers should contact the local **franchising** authority. I have enclosed a Fact Sheet that provides additional information about the Commission's signal quality standards.

Finally, as noted in your letter, Comcast Corporation and AT&T Corporation recently submitted applications seeking the Commission's consent to transfer certain licenses and authorizations in connection with their proposed merger. Interested parties may file comments or

petitions to deny the applications with the Commission no later than April 29, 2002. Oppositions or responses to these comments and petitions may be filed no later than May 14, 2002. For your information and review, I have enclosed a *Public Notice* which provides additional information regarding the proposed **Comcast/AT&T** transaction.

I trust that this response will prove both informative and helpful.

Sincerely,

A handwritten signature in black ink, reading "Michael S. Perko". The signature is fluid and cursive, with the first name "Michael" and last name "Perko" clearly legible. The middle initial "S." is smaller and less distinct.

Michael S. Perko
Chief, Office of Communications and
Industry Information
Media Bureau

Enclosures

cc: The Honorable Arlen Specter (without enclosures)